

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:07-00144-01

DAVID L. TOLLIVER

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to modify the Judgment Order in this case. In his motion, defendant asks for an early termination of the requirement that his term of home confinement be subject to electronic monitoring so that he might go on vacation. Because extraordinary and compelling reasons do not support such a modification, the motion is **DENIED**. The court notes that home confinement was imposed in this case as a substitute for imprisonment and concludes that defendant should not be allowed to travel for his personal enjoyment while serving a prison sentence.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 8th day of April, 2009.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge